



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/372,049	08/11/1999	YASUHIKO MURAMOTO	Q54007	9986

7590

12/18/2002

SUGHRUE MION ZINN MACPEAK & SEAS PLLC
2100 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 200373202

EXAMINER

MITCHELL, MONICA J

ART UNIT

PAPER NUMBER

2622

DATE MAILED: 12/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/372,049

Applicant(s)

MURAMOTO, YASUHIKO

Examiner

Monica J. Mitchell

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: On page 6, line 12, the word "lockup" should be changed to "lookup".
2. The disclosure is objected to because of the following informalities: On page 7, line 1, "1M" refers to the color image but on the drawing the color image is referenced by "IM".

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimazaki (U.S. Patent Number 6,396,595) further in view of Ohtsuka et al. (U.S. Patent Number 6,026,216).

Regarding claim 1, Shimazaki discloses a color converting apparatus comprising: merging means (Figure 3, reference element 42; read as "combining processor"), for merging printing condition color converting means (column 3, lines 40-43) and output

Art Unit: 2622

condition color converting means; and a storage area (Figure 3, reference element 32; read as "color correcting processor") for storing to-be-merged printing condition color converting means (column 6, lines 25-27); said merging means comprising means for, when a desired printing condition color converting means is moved into said storage area (column 6, lines 25-33), merging the moved desired printing condition color converting means (column 3, lines 40-43) with said output condition color converting means into a merged color converting means (column 6, lines 34-38).

Shimazaki fails to disclose an output color converting means.

However, Ohtsuka discloses a color converting apparatus comprising: merging means, for merging printing condition color converting means and output condition color converting means (column 10, line 58 to column 11, line 4); and a storage area for storing to-be-merged printing condition color converting means; said merging means comprising means for, when a desired printing condition color converting means is moved into said storage area, merging the moved desired printing condition color converting means with said output condition color converting means (column 10, line 58 to column 11, line 4) into a merged color converting means.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the inventions were made to include the teachings of Ohtsuka with the teachings of Shimazaki because it is necessary to generate proof images in view of environments in which to compare printed documents and proof images.

Regarding claim 2, Shimazaki discloses a color converting apparatus further comprising an input unit (column 3, lines 14-16) and a display unit (column 3, lines 9-13)

Art*Unit: 2622

for displaying unit for displaying an image (column 2, line 53 to column 3, line 8; read as “desired image processing layout settings”) of the storage area for storing to-be-merged printing condition color converting means (column 6, lines 25-27), said merging means comprising means for, when the desired printing condition color converting means is moved into the displayed image of said storage area (column 6, lines 25-33), merging the moved desired printing condition color converting means (column 3, lines 40-43) with said output condition color converting means into the merged color converting means (column 6, lines 34-38).

Shimazaki fails to disclose an output condition color converting means.

However, Ohtsuka discloses a color converting apparatus further comprising an input unit and a display unit for displaying unit for displaying an image of the storage area for storing to-be-merged printing condition color converting means, said merging means comprising means for, when the desired printing condition color converting means is moved into the displayed image of said storage area, merging the moved desired printing condition color converting means with said output condition color converting means (column 10, line 58 to column 11, line 4) into the merged color converting means.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the inventions were made to include the teachings of Ohtsuka with the teachings of Shimazaki because it is necessary to generate proof images in view of environments in which to compare printed documents and proof images.

Regarding claims 3 and 4, Shimazaki discloses a color converting apparatus wherein said merging means comprises means for, when a to-be-merged printing condition color converting means (column 3, lines 40-43) stored in said storage area is modified (column 5, line 59 to column 6, line 6), merging the modified to-be-merged printing condition color converting means (column 6, lines 13-17) with said output condition color converting means into the merged color converting means (column 6, lines 34-38).

Shimazaki fails to disclose an output condition color converting means.

However, Ohtsuka discloses a color converting apparatus wherein said merging means comprises means for, when a to-be-merged printing condition color converting means stored in said storage area is modified, merging the modified to-be-merged printing condition color converting means with said output condition color converting means (column 10, line 58 to column 11, line 4) into the merged color converting means.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the inventions were made to include the teachings of Ohtsuka with the teachings of Shimazaki because it is necessary to generate proof images in view of environments in which to compare printed documents and proof images.

Regarding claims 5 and 6, Shimazaki discloses a color converting apparatus, wherein said merging means comprises means for, when said output condition color converting means is modified, merging a to-be-merged printing condition color converting means (column 6, lines 13-17) stored in said storage area with the modified

Art Unit: 2622

output condition color converting means into the merged color converting means (column 6, lines 34-38).

Shimazaki fails to disclose modified output condition color converting means.

However, Ohtsuka discloses a color converting apparatus, wherein said merging means comprises means for, when said output condition color converting means is modified (column 10, line 58 to column 11, line 16), merging a to-be-merged printing condition color converting means stored in said storage area with the modified output condition color converting means (column 10, line 58 to column 11, line 16) into the merged color converting means.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the inventions were made to include the teachings of Ohtsuka with the teachings of Shimazaki because it is necessary to generate proof images in view of environments in which to compare printed documents and proof images.

Regarding claims 7-12, Shimazaki discloses a color converting apparatus, wherein said printing condition color converting means comprises means (column 3, lines 40-43) for converting device-dependent input image data to device-independent image data in view of printing conditions (column 6, lines 1-6), said output condition color converting means comprised means for converting device-independent input image data to device-dependent input image data in view of conditions of a proof image outputting apparatus, and said merged color converting means comprises means (column 6, lines 25-42; read as "combined conversion table") for converting said device-dependent input image data to device-dependent input image data for said proof image

Art Unit: 2622

outputting apparatus(Figure 5, reference element 34; read as "output unit") for confirming the colors of an image to be printed on a print on a print sheet based on said device-dependent input image data (column 6, lines 25-42) with said proof image outputting apparatus before the image is actually printed (column 2, line 64 to column 3, line 8).

Shimazaki fails to disclose an output condition color converting means comprised means for converting device-independent input image data to device-dependent input image data in view of conditions of a proof image outputting apparatus.

However, Ohtsuka discloses a color converting apparatus, wherein said printing condition color converting means comprises mean for converting device-dependent input image data to device-independent image data in view of printing conditions, said output condition color converting means (column 10, line 58 to column 11, line 4) comprised means for converting device-independent input image data to device-dependent input image data in view of conditions of a proof image outputting apparatus (column 19, lines 19-32), and said merged color converting means comprises means for converting said device-dependent input image data to device-dependent input image data for said proof image outputting apparatus for confirming the colors of an image to be printed on a print on a print sheet based on said device-dependent input image data with said proof image outputting apparatus before the image is actually printed.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the inventions were made to include the teachings of Ohtsuka with the

Art Unit: 2622

teachings of Shimazaki because it is necessary to generate proof images in view of environments in which to compare printed documents and proof images.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monica J. Mitchell whose telephone number is 703-306-3430. The examiner can normally be reached on Mon.-Fri. from 7:30 a.m. to 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 703-305-4712. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-3455 for regular communications and 703-746-3455 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.

mjm
December 16, 2002


EDWARD COLES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600